
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

VERNON KING, JR.,

Plaintiff,

versus

RICH N. STEVEN, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:10-CV-374

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Vernon King, Jr., an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to a United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Plaintiff's objections are without merit. Plaintiff complains of a false disciplinary report being written against him and that the defendants conspired to deny him an opportunity to prove his case. Plaintiff's claims are insufficient to demonstrate he was in imminent danger of serious physical injury at the time he filed the complaint. *See Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998). Further, plaintiff is barred from filing a new civil action pursuant to sanctions imposed by the United States District Court for the Western District of Texas. *See King v. Dowdy*, Civil Action No. 6:95cv368 (W.D. Tex. Mar. 27, 1996) (barring plaintiff from filing any new civil rights actions until he pays in full a

sanction of \$120). Plaintiff has neither alleged nor demonstrated that he has satisfied the sanctions imposed by the Western District. A recent review of the docket record for that proceeding does not indicate plaintiff has paid the sanction. *Id.* Therefore, this action should be dismissed.

O R D E R

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Sherman, Texas, this 21st day of May, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE